

MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

GMW FIRE PROTECTION, INC., vs. KANAG' IQ CONSTRUCTION COMPANY,
EX REL INC., ET AL

BEFORE THE HONORABLE TIMOTHY M. BURGESS
CASE NO. 3:05-cv-00170-TMB

DEPUTY CLERK/RECORDER: APRIL KARPER / LINDA CHRISTENSEN

APPEARANCES: PLAINTIFF: SARAH TUGMAN

DEFENDANT: THOMAS GINGRAS

PROCEEDINGS: TRIAL BY JURY - DAY 2 HELD JANUARY 23, 2008:

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At 8:49 a.m. court convened without the jury panel present.

At 8:51 a.m. Juror #7 excused from service.

Court and counsel heard re exhibits; Plaintiff's exhibit 64
ADMITTED.

Court and counsel heard re witnesses.

At 9:07 a.m. court recessed until 9:30 a.m. with the jury panel present.

Glenn Floyd Johnson resumed the stand and testified further on behalf of the plaintiff. Plaintiff's exhibits 13, 99, 100, 112, and 124 **IDENTIFIED** (previously admitted by stipulation). Defendant's exhibit C **ADMITTED.**

Steven Frere sworn and testified on behalf of the plaintiff.

At 10:40 a.m. court recessed until 10:55 a.m. with the jury panel present.

Steven Frere resumed the stand and testified further on behalf of the plaintiff. Defendant's exhibit N **IDENTIFIED.** Defendant's exhibit M **ADMITTED.**

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At 11:37 a.m. the jury panel exited the courtroom.

Court and counsel heard re admissibility of defendant's exhibit N. Court ruled exhibit N would not be admitted.

At 11:47 a.m. the jury panel entered the courtroom.

Steven Frere resumed the stand and testified further on behalf of the plaintiff.

At 11:56 a.m. the jury panel exited the courtroom.

Court and counsel heard re defendant's oral motion for reconsideration of admission of defendant's exhibit N; **DENIED.**

Court and counsel heard re witnesses.

At 11:58 a.m. court recessed until 1:18 p.m. without the jury panel present.

At 1:21 p.m. the jury panel entered the courtroom.

Rebecca A. Rhodes sworn and testified on behalf of the plaintiff.

Michelle Christine Jones sworn and testified on behalf of the plaintiff.

Gretchen Lenore Grau sworn and testified on behalf of the plaintiff.

Marvin Kenneth Berg sworn and testified on behalf of the plaintiff.

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Clayton Johnson sworn and testified on behalf of the plaintiff. Plaintiff's exhibit 119 and 128 **IDENTIFIED** (previously admitted by stipulation).

Jimmie Wayne Luke sworn and testified on behalf of the plaintiff.

At 2:33 p.m. the jury panel exited the courtroom.

Court and counsel heard re witnesses.

At 2:40 p.m. court recessed until 3:03 p.m. without the jury panel present.

Court and counsel heard re jury instructions.

At 3:05 p.m. the jury panel entered the courtroom.

Julie Jury sworn and testified on behalf of the plaintiff. Plaintiff's exhibit 155 **IDENTIFIED**. Plaintiff's exhibit 166 **IDENTIFIED** (previously admitted by stipulation). Plaintiff's exhibit 165 **ADMITTED**.

At 3:29 p.m. the jury panel exited the courtroom to reconvene Thursday, January 24, 2008 at 9:00 a.m.

Court and counsel heard re exhibits, jury instructions, and witnesses.

At 3:31 p.m. court recessed this matter to reconvene Thursday, **January 24, 2008 at 8:30 a.m.**

DATE: January 23, 2008 DEPUTY CLERK'S INITIALS: amk